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THE PEOPLE OF THE STATE OF
CALIFORNIA on the RELATION of SAN
JOSE POLICE OFFICERS' ASSOCIATION,

Plaintiff,

v.

CITY OF SAN JOSE, and CITY COUNCIL OF
SAN JOSE,

Defendants.

CASE NO. 113-CV-245503

**[PROPOSED] INTERVENORS'
EVIDENTIARY OBJECTIONS TO THE
CITY OF SAN JOSE'S AND SAN JOSE
POLICE OFFICER'S ASSOCIATION'S
EVIDENCE PROFFERED IN OPPOSITION
TO APPLICATION TO INTERVENE**

Proposed Intervenor's hereby object to the City of San Jose's ("City") and San Jose Police Officer's Association's ("POA") evidence submitted in the Declarations of Gregg McLean Adam, Christopher E. Platten, Paul Kelly, James Gonzales, Edgardo Garcia, and Norberto Duenas and the City's Request for Judicial Notice, all filed in Opposition to Proposed Intervenor's Application to Intervene.

The objections are as follows:

POA'S PROFFERED EVIDENCE	INTERVENORS' OBJECTIONS	RULING
1. Adam Decl., ¶ 2: "The POA and the San Jose Fire Fighters, IAFF Local 230 met and conferred in coalition with the City. Every relevant meeting was attended jointly by representatives of both unions."	Relevance (Evidence Code §§ 350, 352) The Attorney General granted leave to sue in <i>quo warranto</i> to POA while Local 230 sought review of the City's compliance with the Meyers-Milias-Brown Act ("MMBA"), Government Code section 3500 <i>et seq.</i> , through a Public Employment Relations Board ("PERB") proceeding. No final decision has been issued by PERB in <i>Local 230 v. City of San Jose</i> . PERB's proposed decision is not precedent. Regardless, POA is not a party to the PERB proceeding and Local 230 is not and cannot be a party to this <i>quo warranto</i> proceeding. As such, negotiations of Local 230 with the City, whether "in coalition" with POA or not, are irrelevant and unduly prejudicial, risking confusion of the issues.	<input type="checkbox"/> Overruled: <input type="checkbox"/> Sustained Grounds:
2. Adam Decl., ¶ 3: "After Measure B passed, I was the counsel of record for the POA in <i>San Jose Police Officers' Association v. City of San Jose, et al.</i> , Santa Clara County Superior Court Case No. 1-12-CV-225926. Judge Patricia Lucas issued the final Statement of Decision on February 20, 2014."	Relevance (Evidence Code §§ 350, 352) The scope of this <i>quo warranto</i> proceeding, as set by the Attorney General, is whether the City fulfilled its meet and confer obligations under the MMBA. Mr. Adam's serving as counsel in <i>San Jose Police Officers' Association v. City of San Jose, et al.</i> is irrelevant to the issue in this case and unduly prejudicial, risking confusion of the issues.	<input type="checkbox"/> Overruled: <input type="checkbox"/> Sustained Grounds:

POA'S PROFFERED EVIDENCE	INTERVENORS' OBJECTIONS	RULING
<p>3. Platten Decl., ¶ 3: "As counsel to Local 230, I was a member of Local 230's negotiating team that bargained with the City over a ballot measure to amend the City Charter as pertains to retirement benefits. Local 230 met and conferred in coalition bargaining with the San Jose Police Officers Association and with the City from June, 2011 through February, 2012. I attended most, if not all of the bargaining sessions among the three parties. The bargaining terminated when the City Council adopted Resolution No. 76158 on March 6, 2012 placing Measure B on the June, 2012 election ballot."</p>	<p>Relevance (Evidence Code §§ 350, 352)</p> <p>The Attorney General granted leave to sue in <i>quo warranto</i> to POA while Local 230 sought review of the City's compliance with the MMBA, through a PERB proceeding. No final decision has been issued by PERB in <i>Local 230 v. City of San Jose</i>. PERB's proposed decision is not precedent. Regardless, POA is not a party to the PERB proceeding and Local 230 is not and cannot be a party to this <i>quo warranto</i> proceeding. As such, negotiations of Local 230 with the City, whether "in coalition" with POA or not, are irrelevant and unduly prejudicial, risking confusion of the issues.</p>	<p><input type="checkbox"/> Overruled:</p> <p><input type="checkbox"/> Sustained</p> <p>Grounds:</p>
<p>4. Platten Decl. ¶ 4: "In response to the enactment of Measure B by the voters of the City in June 2012, both Local 230 and Local 21 filed unfair practice charges with the Public Employment Relations Board ("PERB") asserting that the City Council had failed to exhaust its bargaining obligation with Local 230 and Local 21 prior to placing Measure B on the ballot. Local 230's unfair practice charge was filed with the PERB on June 6, 2012. Local 21's unfair practice charge was filed with the PERB on August 31, 2012. The obligation of the City Council to bargain prior to placing Measure B on the ballot rests upon the provisions of the Meyers-Milias-Brown Act ("MMBA"), California Government Code Sections 3500 et seq. and the decision of the state Supreme Court in <i>People of the State of California el rel Seal Beach Police Officers Association</i></p>	<p>Relevance (Evidence Code §§ 350, 352)</p> <p>The statements about PERB proceedings in <i>Local 230 v. City of San Jose</i> and <i>Local 21 v. City of San Jose</i> are irrelevant to this <i>quo warranto</i> proceeding where neither Local 230 nor Local 21 is a party. PERB proposed decisions in the two cases are not precedent and have no relevance to this litigation, in addition to being unduly prejudicial, risking confusion of the issues.</p> <p>Improper Legal Conclusion (Evidence Code § 310 et seq.)</p> <p>Statements concerning the legal obligations of the City are improper legal conclusions and constitute improper arguments.</p>	<p><input type="checkbox"/> Overruled:</p> <p><input type="checkbox"/> Sustained</p> <p>Grounds:</p>

POA'S PROFFERED EVIDENCE	INTERVENORS' OBJECTIONS	RULING
<p>1 <i>v. City of Seal Beach</i> (1984) 36</p> <p>2 Cal.3d 591."</p>		
<p>4 5. Platten Decl., ¶ 5: "The PERB</p> <p>5 issued complaints on Local 230's</p> <p>6 and Local 21's unfair practice</p> <p>7 charges. The complaints are</p> <p>8 denominated as International</p> <p>9 Association of Firefighters, Local</p> <p>10 230 v. City of San Jose, Case No.</p> <p>11 SF-CE-969-M and International</p> <p>Federation of Professional and</p> <p>Technical Engineers, Local 21,</p> <p>AFL-CIO v. City of San Jose,</p> <p>Case No. SF-CE-996-M."</p>	<p>Relevance (Evidence Code §§ 350, 352)</p> <p>See objection above concerning PERB proceedings in <i>Local 230 v. City of San Jose</i> and <i>Local 21 v. City of San Jose</i> as being irrelevant to the issue and the parties in this case and unduly prejudicial, risking confusion of the issues.</p>	<p><input type="checkbox"/> Overruled:</p> <p><input type="checkbox"/> Sustained</p> <p>Grounds:</p>
<p>12 6. Platten Decl., ¶ 6: "The two</p> <p>13 complaints were consolidated for</p> <p>14 trial. On or about February 10-12,</p> <p>15 2014, a trial was held in front of</p> <p>16 PERB Administrative Law Judge</p> <p>("ALJ") Eric J. Cu."</p>	<p>Relevance (Evidence Code §§ 350, 352)</p> <p>See objection above concerning PERB proceedings in <i>Local 230 v. City of San Jose</i> and <i>Local 21 v. City of San Jose</i> as being irrelevant to the issue and the parties in this case and unduly prejudicial, risking confusion of the issues.</p>	<p><input type="checkbox"/> Overruled:</p> <p><input type="checkbox"/> Sustained</p> <p>Grounds:</p>
<p>17 7. Platten Decl., ¶ 7: "On or about</p> <p>18 November 5, 2014, ALJ Cu issued</p> <p>19 a proposed decision in Case No.</p> <p>20 SF-CE-969-M sustaining Local</p> <p>21 230's claim that Measure B had</p> <p>22 been placed on the ballot by the</p> <p>23 City Council in violation of the</p> <p>24 City's obligation to meet and</p> <p>25 confer in good faith. A true and</p> <p>26 correct copy of Judge Cu's</p> <p>decision is attached hereto as</p> <p>Exhibit 1. ALJ Cu's decision</p> <p>orders, <i>inter alia</i>, the City to</p> <p>"[r]escind the City's March 6,</p> <p>2012 approval of Resolution No.</p> <p>76158."</p>	<p>Relevance (Evidence Code §§ 350, 352)</p> <p>See objection above concerning PERB proceedings in <i>Local 230 v. City of San Jose</i> as being irrelevant to the issue and the parties in this case. PERB proposed decisions in <i>Local 230 v. City of San Jose</i> is not precedent and cannot be cited in this litigation, in addition to being unduly prejudicial, risking confusion of the issues.</p>	<p><input type="checkbox"/> Overruled:</p> <p><input type="checkbox"/> Sustained</p> <p>Grounds:</p>
<p>27 8. Platten Decl., ¶ 8: "On or about</p> <p>28 November 5, 2014, ALJ Cu issued</p>	<p>Relevance (Evidence Code §§ 350, 352)</p>	<p><input type="checkbox"/> Overruled:</p>

POA'S PROFFERED EVIDENCE	INTERVENORS' OBJECTIONS	RULING
<p>a proposed decision in Case No. SF-CE-996-M sustaining Local 21's claim that Measure B had been placed on the ballot by the City Council in violation of the City's obligation to meet and confer in good faith. A true and correct copy of Judge Cu's decision is attached hereto as Exhibit 2. ALJ Cu's decision orders, <i>inter alia</i>, the City to "[r]escind the City's March 6, 2012 approval of Resolution No. 76158."</p>	<p>See objections above concerning PERB proceedings in <i>Local 21 v. City of San Jose</i> as being irrelevant to the issue and the parties in this case. PERB proposed decision is not precedent and cannot be cited in this litigation, in addition to being unduly prejudicial, risking confusion of the issues.</p>	<p><input type="checkbox"/> Sustained</p> <p>Grounds:</p>
<p>9. Platten Decl., ¶ 9: "The City filed exceptions appealing ALJ Cu's proposed decisions in both cases to the PERB. The full briefing has been completed on the City's exceptions filed in both cases and the matters rest before the PERB."</p>	<p>Relevance (Evidence Code §§ 350, 352)</p> <p>Developments in the PERB proceedings where POA was not a party are irrelevant to this <i>quo warranto</i> litigation and cannot be cited as precedent. Such statements are unduly prejudicial, risking confusion of the issues</p>	<p><input type="checkbox"/> Overruled:</p> <p><input type="checkbox"/> Sustained</p> <p>Grounds:</p>
<p>10. Platten Decl., ¶ 10: "Under the provisions of the MMBA, specifically Government Code Section 3511, the San Jose Police Officers Association ("SJPOA"), the exclusive bargaining representative for peace officers as defined in Section 830.1 of the Penal Code employed by the City, is not subject to PERB's jurisdiction. Accordingly, the SJPOA filed the instant Petition for Writ Quo Warranto directly in this Court, having been granted leave to do so by the Attorney General of the State of California."</p>	<p>Relevance (Evidence Code §§ 350, 352)</p> <p>Explanation of why POA filed this <i>quo warranto</i> action instead of seeking relief though a PERB proceeding is irrelevant and unduly prejudicial, risking confusion of the issues.</p> <p>Improper Legal Conclusion (Evidence Code § 310 <i>et seq.</i>)</p> <p>Statements concerning the legal interpretation and significance of various events in this litigation are improper legal conclusions and constitute improper arguments.</p>	<p><input type="checkbox"/> Overruled:</p> <p><input type="checkbox"/> Sustained</p> <p>Grounds:</p>
<p>11. Platten Decl., ¶ 11: "The unfair practice claims filed by IAFF Local</p>	<p>Relevance (Evidence Code § 350)</p> <p>The Attorney General granted leave to</p>	<p><input type="checkbox"/> Overruled:</p>

POA'S PROFFERED EVIDENCE	INTERVENORS' OBJECTIONS	RULING
<p>230 and IFPTE Local 21 before PERB and the SJPOA Writ filed in the instant matter concern the exact same issue: Whether the City violated its obligations under the MMBA to meet and confer in good faith over the content of Measure B to its placement on the June 2012 ballot."</p>	<p>sue in <i>quo warranto</i> to POA while Local 230 sought relief through a PERB proceeding. No final decision has been issued by PERB in <i>Local 230 v. City of San Jose</i>. PERB's proposed decision is not precedent. Regardless, POA is not a party to the PERB proceeding and Local 230 is not and cannot be a party to this <i>quo warranto</i> proceeding. As such, the PERB proceeding and this <i>quo warranto</i> action cannot concern the exact same issue since the parties are not the same. It is irrelevant what issues were raised in the PERB proceeding by someone other than POA.</p> <p>Improper Legal Conclusion (Evidence Code § 310 <i>et seq.</i>)</p> <p>Statements concerning the legal interpretation and significance of issues in this litigation are improper legal conclusions and constitutes improper argument.</p>	<p><input type="checkbox"/> Sustained</p> <p>Grounds:</p>
<p>12. Platten Decl., ¶ 13: "Subsequent to the issuance of the proposed decisions by ALJ Cu in the unfair practice cases involving IAFF Local 230 and IFPTE Local 21, all labor association in the City, including but not limited to IAFF Local 230, IFPTE Local 21 and the SJPOA reached a settlement agreement with the City which serves as the basis for the stipulation for entry of judgment and the issuance of the writ <i>quo warranto</i> in this case."</p>	<p>Relevance (Evidence Code §§ 350, 352)</p> <p>Whether Local 230 or Local 21 reached a settlement with the City is irrelevant to the issues in this case, mainly whether the City fulfilled its meet and confer obligations with respect to POA. The statements are also unduly prejudicial, risking confusion of the issues</p>	<p><input type="checkbox"/> Overruled:</p> <p><input type="checkbox"/> Sustained</p> <p>Grounds:</p>
<p>13. Kelly Decl., ¶ 2: "SJPOA strongly supports the Settlement Framework and the settlement of this <i>quo warranto</i> action. Like Chief of Police Edgardo Garcia, I believe without an end to the uncertainty Measure B has created, the Department will continue to</p>	<p>Relevance (Evidence Code §§ 350, 352)</p> <p>The San Jose Police Department's struggles with its recruitment and staffing are not relevant to the issues of this case, mainly whether the City fulfilled its meet and confer obligations. The City's difficulty in recruiting and staffing its police department does not</p>	<p><input type="checkbox"/> Overruled:</p> <p><input type="checkbox"/> Sustained</p> <p>Grounds:</p>

POA'S PROFFERED EVIDENCE	INTERVENORS' OBJECTIONS	RULING
<p>struggle to recruit new police officers, which will continue to undermine the safety of residents and the existing police officers."</p>	<p>allow the City to override and disregard its voters' constitutional rights and rights they were given by Measure B. The statements are unduly prejudicial, risking confusion of the issues</p> <p>Lack of Foundation and Personal Knowledge and Calls for Speculation (Evidence Code §§ 400, 403 and 702)</p> <p>No foundation or stated basis for personal knowledge is provided for the statement.</p> <p>Assumes Facts (Evidence Code § 600, <i>et seq.</i>)</p> <p>Mr. Kelly makes assumptions, assertions and speculates regarding facts not introduced into evidence in this action.</p> <p>Improper Opinion (Evidence Code § 800 <i>et seq.</i>)</p> <p>The opinion or beliefs of Mr. Kelly are inadmissible and constitute improper argument.</p>	
<p>14. Kelly Decl., ¶ 3: "I have reviewed the declaration of Chief Garcia, particularly where he discusses the effect of reduced staffing on SJPD. On Thursday, March 10, 2016, Chief Garcia announced that he would implement a mandatory overtime agreement. The agreement was negotiated last summer between SJPD and the POA with the understanding that it would be invoked only when staffing levels dropped to the point where the department could no longer meet its staffing needs through regularly-scheduled staffing and voluntary overtime. The agreement requires that police officers work additional mandatory overtime shifts each month over and above the voluntary overtime shifts they typically work. SJPOA</p>	<p>Relevance (Evidence Code §§ 350, 352)</p> <p>See objection above concerning the irrelevance and undue prejudice of SJPD's struggles with its recruitment and staffing to this litigation.</p> <p>Lack of Foundation and Personal Knowledge and Calls for Speculation (Evidence Code §§ 400, 403 and 702)</p> <p>No foundation or stated basis for personal knowledge is provided for the statement.</p> <p>Assumes Facts (Evidence Code § 600, <i>et seq.</i>)</p> <p>Mr. Kelly makes assumptions, assertions and speculates regarding facts not introduced into evidence in this action.</p> <p>Improper Opinion (Evidence Code § 800 <i>et seq.</i>)</p>	<p><input type="checkbox"/> Overruled:</p> <p><input type="checkbox"/> Sustained</p> <p>Grounds:</p>

POA'S PROFFERED EVIDENCE	INTERVENORS' OBJECTIONS	RULING
<p>agreed to the provision to balance the ever-increasing demand for service from the community with officer safety. If officers work too many hours and are tired, it presents serious safety concerns."</p>	<p>The opinion or beliefs of Mr. Kelly are inadmissible and constitute improper argument.</p>	
<p>15. Kelly Decl., ¶ 4: "As Chief Garcia explains, as of March 7, 2016, SJPd had approximately 252 10-hour overtime shifts every week that had to be filled just to meet current minimum staffing needs. These statistics do not include overtime that occurs unexpectedly, on a daily basis, based on high profile events or unanticipated calls for service, report writing, etc. Most officers are working somewhere between 20 and 40 hours of overtime each week."</p>	<p>Relevance (Evidence Code §§ 350, 352)</p> <p>See objection above concerning the irrelevance and undue prejudice of SJPd's struggles with its recruitment and staffing to this litigation.</p> <p>Lack of Foundation and Personal Knowledge and Calls for Speculation (Evidence Code §§ 400, 403 and 702)</p> <p>No foundation or stated basis for personal knowledge is provided for the statement.</p> <p>Assumes Facts (Evidence Code § 600, <i>et seq.</i>)</p> <p>Mr. Kelly makes assumptions, assertions and speculates regarding facts not introduced into evidence in this action.</p> <p>Improper Opinion (Evidence Code § 800 <i>et seq.</i>)</p> <p>The opinion or beliefs of Mr. Kelly are inadmissible and constitute improper argument.</p>	<p><input type="checkbox"/> Overruled:</p> <p><input type="checkbox"/> Sustained</p> <p>Grounds:</p>
<p>16. Kelly Decl., ¶ 5: "The low staffing has impacted time off. I am aware of officers who sleep in their personal vehicles between the end of the regular shift and the start, perhaps two or three hours later, of an overtime shift."</p>	<p>Relevance (Evidence Code §§ 350, 352)</p> <p>See objection above concerning the irrelevance and undue prejudice of SJPd's struggles with its recruitment and staffing to this litigation.</p> <p>Lack of Foundation and Personal Knowledge and Calls for Speculation (Evidence Code §§ 400, 403 and 702)</p> <p>No foundation or stated basis for personal knowledge is provided for the statement.</p>	<p><input type="checkbox"/> Overruled:</p> <p><input type="checkbox"/> Sustained</p> <p>Grounds:</p>

POA'S PROFFERED EVIDENCE	INTERVENORS' OBJECTIONS	RULING
	<p>Assumes Facts (Evidence Code § 600, <i>et seq.</i>)</p> <p>Mr. Kelly makes assumptions, assertions and speculates regarding facts not introduced into evidence in this action.</p> <p>Improper Opinion (Evidence Code § 800 <i>et seq.</i>)</p> <p>The opinion or beliefs of Mr. Kelly are inadmissible and constitute improper argument.</p>	
<p>17. Kelly Decl., ¶ 6: "Other officers are being subject to mandatory holdover. This occurs when an officer is scheduled to finish his or her shift but, because there are not enough officers to fill the next shift (because of emergencies or officers calling in sick), is required to work longer to ensure that there are enough officers filling the next shift."</p>	<p>Relevance (Evidence Code §§ 350, 352)</p> <p>See objection above concerning the irrelevance and undue prejudice of SJPD's struggles with its recruitment and staffing to this litigation.</p> <p>Lack of Foundation and Personal Knowledge and Calls for Speculation (Evidence Code §§ 400, 403 and 702)</p> <p>No foundation or stated basis for personal knowledge is provided for the statement.</p> <p>Assumes Facts (Evidence Code § 600, <i>et seq.</i>)</p> <p>Mr. Kelly makes assumptions, assertions and speculates regarding facts not introduced into evidence in this action.</p> <p>Improper Opinion (Evidence Code § 800 <i>et seq.</i>)</p> <p>The opinion or beliefs of Mr. Kelly are inadmissible and constitute improper argument.</p>	<p><input type="checkbox"/> Overruled:</p> <p><input type="checkbox"/> Sustained</p> <p>Grounds:</p>
<p>18. Kelly Decl., ¶ 7: "Even though this extra overtime is allowing officers to make more money, they are doing so at a great price to their family lives and stress levels. Many are missing family events and suffering disconnect with their families. The Settlement</p>	<p>Relevance (Evidence Code §§ 350, 352)</p> <p>See objection above concerning the irrelevance and undue prejudice of SJPD's struggles with its recruitment and staffing to this litigation.</p> <p>Lack of Foundation and Personal Knowledge and Calls for Speculation</p>	<p><input type="checkbox"/> Overruled:</p> <p><input type="checkbox"/> Sustained</p> <p>Grounds:</p>

POA'S PROFFERED EVIDENCE	INTERVENORS' OBJECTIONS	RULING
<p>Framework is the light at the end of the tunnel."</p>	<p>(Evidence Code §§ 400, 403 and 702)</p> <p>No foundation or stated basis for personal knowledge is provided for the statement.</p> <p>Assumes Facts (Evidence Code § 600, <i>et seq.</i>)</p> <p>MrKelly makes assumptions, assertions and speculates regarding facts not introduced into evidence in this action.</p> <p>Improper Opinion (Evidence Code § 800 <i>et seq.</i>)</p> <p>The opinion or beliefs of Mr. Kelly are inadmissible and constitute improper argument.</p>	
<p>19. Gonzales Decl., ¶ 3: "Over the past several years, through my work with all of these groups, I have built close relationships with San Jose city leaders, neighborhood associations, civil rights groups, faith based organizations and social justice advocates. I have had extensive discussions with many representatives of these groups about the interplay of Measure B with the increase in crime in San Jose and the understaffing of SJPD. I share Chief Garcia's opinion that without an end to the uncertainty over Measure B, police staffing and recruitment efforts will continue to be severely compromised. With it, our inability to satisfactorily staff the streets will further compromise public safety in San Jose."</p>	<p>Relevance (Evidence Code §§ 350, 352)</p> <p>See objection above concerning the irrelevance and undue prejudice of SJPD's struggles with its recruitment and staffing to this litigation.</p> <p>Lack of Foundation and Personal Knowledge and Calls for Speculation (Evidence Code §§ 400, 403 and 702)</p> <p>No foundation or stated basis for personal knowledge is provided for the statement.</p> <p>Assumes Facts (Evidence Code § 600, <i>et seq.</i>)</p> <p>Mr. Gonzales makes assumptions, assertions and speculates regarding facts not introduced into evidence in this action.</p> <p>Improper Opinion (Evidence Code § 800 <i>et seq.</i>)</p> <p>The opinion or beliefs of Mr. Gonzales are inadmissible and constitute improper argument.</p> <p>Improper Legal Conclusion (Evidence Code § 310 <i>et seq.</i>)</p> <p>Statements concerning the legal effect of Measure B or its invalidation are improper legal conclusions and constitute improper argument.</p>	<p><input type="checkbox"/> Overruled:</p> <p><input type="checkbox"/> Sustained</p> <p>Grounds:</p>

POA'S PROFFERED EVIDENCE	INTERVENORS' OBJECTIONS	RULING
20. Gonzales Decl., ¶ 4: "I also share Paul Kelly's opinions about the deleterious effect of Measure B on police officer safety and morale."	<p>Relevance (Evidence Code §§ 350, 352)</p> <p>See objection above concerning the irrelevance and undue prejudice of SJPD's struggles with its recruitment and staffing to this litigation.</p> <p>Lack of Foundation and Personal Knowledge and Calls for Speculation (Evidence Code §§ 400, 403 and 702)</p> <p>No foundation or stated basis for personal knowledge is provided for the statement.</p> <p>Improper Opinion (Evidence Code § 800 et seq.)</p> <p>The opinion or beliefs of Mr. Gonzales are inadmissible and constitute improper argument.</p>	<p><input type="checkbox"/> Overruled:</p> <p><input type="checkbox"/> Sustained</p> <p>Grounds:</p>
21. Gonzales Decl., ¶ 6: "After the parties reached their Settlement Framework, the POA leadership and the SJPD command staff had multiple discussions about a joint POA/SJPD recruiting effort to include traveling, mail, commercials and media and social media efforts to show that the SJPD was, in our words, "Back, and Open for Business." One of the main strategies of the recruitment effort was to be a public display of unity with the City and police leaders, which was designed to contrast with the many years of public political and legal battles. Those efforts are premised upon the implementation of the settlement, and they would be further delayed by an extension of this litigation."	<p>Relevance (Evidence Code §§ 350, 352)</p> <p>See objection above concerning the irrelevance and undue prejudice of SJPD's struggles with its recruitment and staffing to this litigation.</p> <p>Lack of Foundation and Personal Knowledge and Calls for Speculation (Evidence Code §§ 400, 403 and 702)</p> <p>No foundation or stated basis for personal knowledge is provided for the statement.</p> <p>Assumes Facts (Evidence Code § 600, et seq.)</p> <p>Mr. Gonzales makes assumptions, assertions and speculates regarding facts not introduced into evidence in this action.</p> <p>Improper Opinion (Evidence Code § 800 et seq.)</p> <p>The opinion or beliefs of Mr. Gonzales are inadmissible and constitute improper argument.</p>	<p><input type="checkbox"/> Overruled:</p> <p><input type="checkbox"/> Sustained</p> <p>Grounds:</p>

POA'S PROFFERED EVIDENCE	INTERVENORS' OBJECTIONS	RULING
	Improper Legal Conclusion (Evidence Code § 310 <i>et seq.</i>) Statements concerning the legal effect of intervention are improper legal conclusions and constitute improper argument.	
22. Garcia Decl., ¶ 4: "The San Jose Police Department has historically been known as an employer of choice. Over the years, we have been able to recruit and retain the highest quality officers, both as new recruits and veteran lateral hires."	Relevance (Evidence Code §§ 350, 352) See objection above concerning the irrelevance and undue prejudice of SJPD's struggles with its recruitment and staffing to this litigation.	<input type="checkbox"/> Overruled: <input type="checkbox"/> Sustained Grounds:
23. Garcia Decl., ¶ 5: "In 2012, the voters passed Measure B. Among other things, Measure B established a Tier 2 retirement benefit which is inferior to that provided by CalPERS, which provides the pension benefits for the majority of the City's competitors."	Relevance (Evidence Code §§ 350, 352) Whether benefits established by Measure B are superior or inferior to those provided by CalPERS is irrelevant to the issues in this litigation and unduly prejudicial, risking confusion of the issues. Lack of Foundation and Personal Knowledge and Calls for Speculation (Evidence Code §§ 400, 403 and 702) No foundation or stated basis for personal knowledge is provided for the statement. Assumes Facts (Evidence Code § 600, <i>et seq.</i>) Mr. Garcia makes assumptions, assertions and speculates regarding facts not introduced into evidence in this action. Improper Opinion (Evidence Code § 800 <i>et seq.</i>) The opinion or beliefs of Mr. Garcia are inadmissible and constitute improper argument.	<input type="checkbox"/> Overruled: <input type="checkbox"/> Sustained Grounds:
24. Garcia Decl., ¶ 6: "At that time, the City began to face challenges in retaining officers. While some of	Relevance (Evidence Code §§ 350, 352)	<input type="checkbox"/> Overruled:

POA'S PROFFERED EVIDENCE	INTERVENORS' OBJECTIONS	RULING
<p>these challenges may have been due to outside factors, I believe that Measure B and the uncertainty it created was the primary contributor to the loss of these officers."</p>	<p>Challenges faced by the City in retaining officers is not within the scope of this litigation and unduly prejudicial, risking confusion of the issues. The City's difficulty in recruiting and staffing its police department does not allow the City to override and disregard its voters' constitutional rights and rights they were given by Measure B.</p> <p>Lack of Foundation and Personal Knowledge and Calls for Speculation (Evidence Code §§ 400, 403 and 702)</p> <p>No foundation or stated basis for personal knowledge is provided for the statement.</p> <p>Assumes Facts (Evidence Code § 600, et seq.)</p> <p>Mr. Garcia makes assumptions, assertions and speculates regarding facts not introduced into evidence in this action.</p> <p>Improper Opinion (Evidence Code § 800 et seq.)</p> <p>The opinion or beliefs of Mr. Garcia are inadmissible and constitute improper argument.</p>	<p><input type="checkbox"/> Sustained</p> <p>Grounds:</p>
<p>25. Garcia Decl., ¶ 7: "2012 was also the year when we began to have trouble filling police academies. Prior to Measure B, the City would routinely fill at least 45-person police academies. Our last academy this year had a graduating class of thirteen (13) recruits, and our most recent academy has only seven (7) recruits."</p>	<p>Relevance (Evidence Code §§ 350, 352)</p> <p>See objection above concerning the irrelevance and undue prejudice of the City's challenges in recruiting and retaining officers.</p> <p>Assumes Facts (Evidence Code § 600, et seq.)</p> <p>Mr. Garcia makes assumptions, assertions and speculates regarding facts not introduced into evidence in this action.</p>	<p><input type="checkbox"/> Overruled:</p> <p><input type="checkbox"/> Sustained</p> <p>Grounds:</p>
<p>26. Garcia Decl., ¶ 8: "In 2009, the city employed 1,395 police officers. Today, after budget cuts, the City is budgeted for 11009 sworn staff. Even if fully-staffed, the San Jose</p>	<p>Relevance (Evidence Code §§ 350, 352)</p> <p>See objection above concerning the irrelevance and undue prejudice of the City's challenges in recruiting and</p>	<p><input type="checkbox"/> Overruled:</p> <p><input type="checkbox"/> Sustained</p>

POA'S PROFFERED EVIDENCE	INTERVENORS' OBJECTIONS	RULING
Police Department would have one of the lowers per capita staffing in the Nation. However, due to officers leaving and our inability to attract officers to the City, our actual staffing numbers are far lower than our budgeted numbers."	retaining officers. Assumes Facts (Evidence Code § 600, et seq.) Mr. Garcia makes assumptions, assertions and speculates regarding facts not introduced into evidence in this action.	Grounds:
27. Garcia Decl., ¶ 9: "As of January 8, 2015, the City had 118 vacancies. After taking into account trainees, injuries and other staff on leave, the City had 882 street-ready officers. Those numbers have continued to decline. As of January 28, 2016, the City had 193 vacancies. However, considering trainees, injuries and other staff on leave, the City can field only 821 street-ready officers."	Relevance (Evidence Code §§ 350, 352) See objection above concerning the irrelevance and undue prejudice of the City's challenges in recruiting and retaining officers. Assumes Facts (Evidence Code § 600, et seq.) Mr. Garcia makes assumptions, assertions and speculates regarding facts not introduced into evidence in this action.	<input type="checkbox"/> Overruled: <input type="checkbox"/> Sustained Grounds:
28. Garcia Decl., ¶ 10: "On Thursday, March 10, 2016, the Police Department announced the future implementation of mandatory overtime to meet our staffing needs. We are currently filling 252 10-hour shifts each week with overtime."	Relevance (Evidence Code §§ 350, 352) See objection above concerning the irrelevance and undue prejudice of the City's challenges in recruiting and retaining officers. Assumes Facts (Evidence Code § 600, et seq.) Mr. Garcia makes assumptions, assertions and speculates regarding facts not introduced into evidence in this action.	<input type="checkbox"/> Overruled: <input type="checkbox"/> Sustained Grounds:
29. Garcia Decl., ¶ 11: "In the Spring 2015, the City and its labor unions agreed to negotiate a resolution to outstanding litigation involving pensions, disability, and other elements of Measure B as part of a global settlement. I joined these negotiations because of the	Relevance (Evidence Code § 350) Mr. Garcia's participation in settlement negotiations between POA and the City is irrelevant to this litigation. Lack of Foundation and Personal Knowledge and Calls for Speculation (Evidence Code §§ 400, 403 and 702) No foundation or stated basis for personal knowledge is provided for the statement.	<input type="checkbox"/> Overruled: <input type="checkbox"/> Sustained Grounds:

POA'S PROFFERED EVIDENCE	INTERVENORS' OBJECTIONS	RULING
importance of ending the uncertainty over Measure B."	<p>Assumes Facts (Evidence Code § 600, et seq.)</p> <p>Mr. Garcia makes assumptions, assertions and speculates regarding facts not introduced into evidence in this action.</p> <p>Improper Opinion (Evidence Code § 800 et seq.)</p> <p>The opinion or beliefs of Mr. Garcia are inadmissible and constitute improper argument.</p>	
30. Garcia Decl., ¶ 12: "The replacement of Measure B is crucial to my ability to retain and recruit officers and to rebuild the Police Department."	<p>Relevance (Evidence Code §§ 350, 352)</p> <p>Challenges faced by the City in retaining officers are not within the scope of this litigation and are unduly prejudicial, risking confusion of the issues. The City's difficulty in recruiting and staffing its police department does not allow the City to override and disregard its voters' constitutional rights and rights they were given by Measure B.</p> <p>Lack of Foundation and Personal Knowledge and Calls for Speculation (Evidence Code §§ 400, 403 and 702)</p> <p>No foundation or stated basis for personal knowledge is provided for the statement.</p> <p>Assumes Facts (Evidence Code § 600, et seq.)</p> <p>Mr. Garcia makes assumptions, assertions and speculates regarding facts not introduced into evidence in this action.</p> <p>Improper Opinion (Evidence Code § 800 et seq.)</p> <p>The opinion or beliefs of Mr. Garcia are inadmissible and constitute improper argument.</p>	<input type="checkbox"/> Overruled: <input type="checkbox"/> Sustained Grounds:
31. Garcia Decl., ¶ 13: "The announcement that we had settled the litigation around Measure B has	<p>Relevance (Evidence Code §§ 350, 352)</p>	<input type="checkbox"/> Overruled:

POA'S PROFFERED EVIDENCE	INTERVENORS' OBJECTIONS	RULING
<p>led to cautious optimism in the Department. Almost immediately after the City publicly announced that it had reached agreement with the POA over a replacement to Measure B, I began to receive inquiries from officers who have left the Department about returning to work for the City of San Jose."</p>	<p>See objection above concerning the irrelevance and undue prejudice of the City's challenges in recruiting and retaining officers.</p> <p>Lack of Foundation and Personal Knowledge and Calls for Speculation (Evidence Code §§ 400, 403 and 702)</p> <p>No foundation or stated basis for personal knowledge is provided for the statement.</p> <p>Assumes Facts (Evidence Code § 600, et seq.)</p> <p>Mr. Garcia makes assumptions, assertions and speculates regarding facts not introduced into evidence in this action.</p> <p>Improper Opinion (Evidence Code § 800 et seq.)</p> <p>The opinion or beliefs of Mr. Garcia are inadmissible and constitute improper argument.</p>	<p><input type="checkbox"/> Sustained</p> <p>Grounds:</p>
<p>32. Garcia Decl., ¶ 14: "The continued uncertainty over pension reform has led to significant morale issues in the Department and contributed to the staffing challenges in the Department."</p>	<p>Relevance (Evidence Code §§ 350, 352)</p> <p>See objection above concerning the irrelevance and undue prejudice of the City's challenges in recruiting and retaining officers.</p> <p>Lack of Foundation and Personal Knowledge and Calls for Speculation (Evidence Code §§ 400, 403 and 702)</p> <p>No foundation or stated basis for personal knowledge is provided for the statement.</p> <p>Assumes Facts (Evidence Code § 600, et seq.)</p> <p>Mr. Garcia makes assumptions, assertions and speculates regarding facts not introduced into evidence in this action.</p> <p>Improper Opinion (Evidence Code § 800 et seq.)</p>	<p><input type="checkbox"/> Overruled:</p> <p><input type="checkbox"/> Sustained</p> <p>Grounds:</p>

POA'S PROFFERED EVIDENCE	INTERVENORS' OBJECTIONS	RULING
	The opinion or beliefs of Mr. Garcia are inadmissible and constitute improper argument.	
<p>33. Garcia Decl., ¶ 15: "If the City cannot settle the litigation over the legality of Measure B, I anticipate that the pattern of losing officers and difficulty recruiting will continue. In that event, the staffing issues will worsen and the Police Department will have no choice but to increase the use of mandatory overtime and reduce investigative units further to ensure that we can respond effectively to calls for service. The use of mandatory staffing places a strain on our officers, who are working more and more hours. As we use more mandatory staffing, the strain on the officers creates concerns over officer safety and conduct, as well as the safety of the public."</p>	<p>Relevance (Evidence Code §§ 350, 352) See objection above concerning the irrelevance and undue prejudice of the City's challenges in recruiting and retaining officers.</p> <p>Lack of Foundation and Personal Knowledge and Calls for Speculation (Evidence Code §§ 400, 403 and 702) No foundation or stated basis for personal knowledge is provided for the statement.</p> <p>Assumes Facts (Evidence Code § 600, et seq.) Mr. Garcia makes assumptions, assertions and speculates regarding facts not introduced into evidence in this action.</p> <p>Improper Opinion (Evidence Code § 800 et seq.) The opinion or beliefs of Mr. Garcia are inadmissible and constitute improper argument.</p>	<p><input type="checkbox"/> Overruled:</p> <p><input type="checkbox"/> Sustained</p> <p>Grounds:</p>
<p>34. Duenas Decl., ¶ 4: "Almost since my appointment as Interim City Manager, the City has been focused on negotiating a settlement to the retirement reform litigation. Because of the importance of this issue, I became personally involved in the negotiations with all of the City's employee groups, including the San Jose Police Officers' Association ("POA")."</p>	<p>Relevance (Evidence Code §§ 350, 352) The City's negotiations with all of the City's employee groups, besides POA, are irrelevant to the issues in this litigation. Mr. Duenas's personal involvement in those negotiations is likewise irrelevant to whether the City fulfilled its meet and confer obligations before Measure B was placed on the ballot. The statements are unduly prejudicial, risking confusion of the issues</p> <p>Assumes Facts (Evidence Code § 600, et seq.) Mr. Duenas makes assumptions, assertions and speculates regarding facts</p>	<p><input type="checkbox"/> Overruled:</p> <p><input type="checkbox"/> Sustained</p> <p>Grounds:</p>

POA'S PROFFERED EVIDENCE	INTERVENORS' OBJECTIONS	RULING
	not introduced into evidence in this action.	
<p>35. Duenas Decl., ¶ 8: "The settlement of the retirement reform litigation was heavily publicized and was the subject of a number of articles in the local and statewide media."</p>	<p>Assumes Facts (Evidence Code § 600, et seq.)</p> <p>Mr. Duenas makes assumptions, assertions and speculates regarding facts not introduced into evidence in this action.</p> <p>Lack of Foundation and Personal Knowledge and Calls for Speculation (Evidence Code §§ 400, 403 and 702)</p> <p>No foundation or stated basis for personal knowledge is provided for the statement.</p>	<p><input type="checkbox"/> Overruled:</p> <p><input type="checkbox"/> Sustained</p> <p>Grounds:</p>
<p>36. Duenas Decl., ¶ 9: "As part of the settlement negotiations, the parties have reached agreements on language for a ballot measure with POA and San Jose Fire Fighters Association, IAFF Local 230 and have agreed to basic deal points on ballot language with the remaining nine (9) labor organizations."</p>	<p>Relevance (Evidence Code §§ 350, 352)</p> <p>The City's negotiations with all of the City's employee groups, besides POA, are irrelevant to the issues in this litigation and unduly prejudicial, risking confusion of the issues.</p> <p>Lack of Foundation and Personal Knowledge and Calls for Speculation (Evidence Code §§ 400, 403 and 702)</p> <p>No foundation or stated basis for personal knowledge is provided for the statement.</p>	<p><input type="checkbox"/> Overruled:</p> <p><input type="checkbox"/> Sustained</p> <p>Grounds:</p>
<p>37. Duenas Decl., ¶ 10: "The Intervenor suggests that the City has failed to properly defend Measure B. That is simply not the case. Beginning prior to the June 2012 election, numerous groups filed challenges to Measure B, based on a variety of theories. While some of these have been dismissed, most are either currently active or are on appeal."</p>	<p>Lack of Foundation and Personal Knowledge and Calls for Speculation (Evidence Code §§ 400, 403 and 702)</p> <p>No foundation or stated basis for personal knowledge is provided for the statement.</p> <p>Assumes Facts (Evidence Code § 600, et seq.)</p> <p>Mr. Duenas makes assumptions, assertions and speculates regarding facts not introduced into evidence in this action.</p> <p>Improper Opinion (Evidence Code § 800 et seq.)</p>	<p><input type="checkbox"/> Overruled:</p> <p><input type="checkbox"/> Sustained</p> <p>Grounds:</p>

POA'S PROFFERED EVIDENCE	INTERVENORS' OBJECTIONS	RULING
	<p>The opinion or beliefs of Mr. Duenas are inadmissible and constitute improper argument.</p> <p>Improper Legal Conclusion (Evidence Code § 310 <i>et seq.</i>)</p> <p>Statements concerning the legal defense by the City of Measure B are improper legal conclusions and constitute improper argument.</p>	
<p>38. Duenas Decl., ¶ 11: "The Alternate Pension Reform Settlement Framework the City has achieved would include the settlement of the following matters: [listing the matters]."</p>	<p>Relevance (Evidence Code §§ 350, 352)</p> <p>The settlement of matters unrelated to this <i>quo warranto</i> action is outside the scope of the <i>quo warranto</i> and unduly prejudicial, risking confusion of the issues.</p> <p>Lack of Foundation and Personal Knowledge and Calls for Speculation (Evidence Code §§ 400, 403 and 702)</p> <p>No foundation or stated basis for personal knowledge is provided for the statement.</p> <p>Assumes Facts (Evidence Code § 600, <i>et seq.</i>)</p> <p>Mr. Duenas makes assumptions, assertions and speculates regarding facts not introduced into evidence in this action.</p> <p>Improper Opinion (Evidence Code § 800 <i>et seq.</i>)</p> <p>The opinion or beliefs of Mr. Duenas are inadmissible and constitute improper argument.</p> <p>Improper Legal Conclusion (Evidence Code § 310 <i>et seq.</i>)</p> <p>Statements concerning the settlement of Measure B litigation with other parties are improper legal conclusions and constitute improper argument.</p>	<p><input type="checkbox"/> Overruled:</p> <p><input type="checkbox"/> Sustained</p> <p>Grounds:</p>
<p>39. Duenas Decl., ¶ 12: "The City has spent millions of dollars defending these challenges. If the settlement</p>	<p>Relevance (Evidence Code §§ 350, 352)</p> <p>The City's expenses with Measure B</p>	<p><input type="checkbox"/> Overruled:</p>

POA'S PROFFERED EVIDENCE	INTERVENORS' OBJECTIONS	RULING
<p>framework is set aside, the litigation would continue and present additional costs to the City."</p>	<p>litigation are irrelevant to the issues in the <i>quo warranto</i> and unduly prejudicial, risking confusion of the issues.</p> <p>Lack of Foundation and Personal Knowledge and Calls for Speculation (Evidence Code §§ 400, 403 and 702)</p> <p>No foundation or stated basis for personal knowledge is provided for the statement.</p> <p>Assumes Facts (Evidence Code § 600, et seq.)</p> <p>Mr. Duenas makes assumptions, assertions and speculates regarding facts not introduced into evidence in this action.</p> <p>Improper Opinion (Evidence Code § 800 et seq.)</p> <p>The opinion or beliefs of Mr. Duenas are inadmissible and constitute improper argument.</p> <p>Improper Legal Conclusion (Evidence Code § 310 et seq.)</p> <p>Statements concerning the settlement of Measure B litigation with other parties are improper legal conclusions and constitute improper argument.</p>	<p><input type="checkbox"/> Sustained</p> <p>Grounds:</p>
<p>40. Duenas Decl., ¶ 13: "Measure B, though well-intended, had negative consequences for the City, including significant impacts on the recruitment and retention of police officers. Since 2012, the City has had issues with the recruitment and retention of police officers, culminating in the mandatory staffing place rolled out by Chief Garcia last week. The settlement framework negotiated by the parties in July is a key component to the City's attempt to stabilize hiring and retention in the Police Department and delays in its implementation will jeopardize our</p>	<p>Relevance (Evidence Code §§ 350, 352)</p> <p>The City's challenges with police officer recruitment and retention are irrelevant to the issues in the <i>quo warranto</i>. The City's difficulty in recruiting and staffing its police department does not allow the City to override and disregard its voters' constitutional rights and rights they were given by Measure B. The statements are unduly prejudicial, risking confusion of the issues.</p> <p>Lack of Foundation and Personal Knowledge and Calls for Speculation (Evidence Code §§ 400, 403 and 702)</p> <p>No foundation or stated basis for personal knowledge is provided for the</p>	<p><input type="checkbox"/> Overruled:</p> <p><input type="checkbox"/> Sustained</p> <p>Grounds:</p>

POA'S PROFFERED EVIDENCE	INTERVENORS' OBJECTIONS	RULING
<p>ability to recruit and retain police officers.”</p>	<p>statement.</p> <p>Assumes Facts (Evidence Code § 600, et seq.)</p> <p>Mr. Duenas makes assumptions, assertions and speculates regarding facts not introduced into evidence in this action.</p> <p>Improper Opinion (Evidence Code § 800 et seq.)</p> <p>The opinion or beliefs of Mr. Duenas are inadmissible and constitute improper argument.</p>	
<p>41. Duenas Decl., ¶ 15: “If the interveners are allowed to prevent implementation of the Alternate Pension Reform Settlement Framework and the ballot measure, the parties will have to begin negotiations over a new ballot measure to supersede Measure B in its entirety. In 2012, the parties spend more than eight (8) months negotiating over Measure B, and still failed to reach agreement. The City Council would have to act in August to place a measure on the November 2016 ballot, giving the parties only a few months to negotiate a new measure. If the parties fail to reach agreement before then, the Council would have until 2018 for a replacement measure.”</p>	<p>Relevance (Evidence Code §§ 350, 352)</p> <p>The City’s challenges reaching agreement with POA is irrelevant to the issues of whether the City met and conferred properly before placing Measure B on the ballot. The City cannot override and disregard its voters’ constitutional rights and rights they were given by Measure B by reaching a stipulation without the vote of the people only because the City is pressed for time. The statements are unduly prejudicial, risking confusion of the issues.</p> <p>Lack of Foundation and Personal Knowledge and Calls for Speculation (Evidence Code §§ 400, 403 and 702)</p> <p>No foundation or stated basis for personal knowledge is provided for the statement.</p> <p>Assumes Facts (Evidence Code § 600, et seq.)</p> <p>Mr. Duenas makes assumptions, assertions and speculates regarding facts not introduced into evidence in this action.</p> <p>Improper Opinion (Evidence Code § 800 et seq.)</p> <p>The opinion or beliefs of Mr. Duenas are inadmissible and constitute improper argument.</p>	<p><input type="checkbox"/> Overruled:</p> <p><input type="checkbox"/> Sustained</p> <p>Grounds:</p>

POA'S PROFFERED EVIDENCE	INTERVENORS' OBJECTIONS	RULING
<p>42. Duenas Decl., ¶ 16: "The Alternate Pension Reform Settlement Framework is estimated to create savings of \$3.0 Billion city-wide over thirty (30) years. At this point, all City Unions have agreed to these changes. Continued litigation would place all of that savings at risk."</p>	<p>Relevance (Evidence Code §§ 350, 352)</p> <p>The financial advantages of the settlement are irrelevant to the issues of whether the City met and conferred properly before placing Measure B on the ballot. The City cannot override and disregard its voters' constitutional rights and rights they were given by Measure B by reaching a settlement without the vote of the people only because the City is pressed for time and money. The statements are unduly prejudicial, risking confusion of the issues.</p> <p>Lack of Foundation and Personal Knowledge and Calls for Speculation (Evidence Code §§ 400, 403 and 702)</p> <p>No foundation or stated basis for personal knowledge is provided for the statement.</p> <p>Assumes Facts (Evidence Code § 600, et seq.)</p> <p>Mr. Duenas makes assumptions, assertions and speculates regarding facts not introduced into evidence in this action.</p> <p>Improper Opinion (Evidence Code § 800 et seq.)</p> <p>The opinion or beliefs of Mr. Duenas are inadmissible and constitute improper argument.</p>	<p><input type="checkbox"/> Overruled:</p> <p><input type="checkbox"/> Sustained</p> <p>Grounds:</p>
<p>43. Exhibit M to the Opposition of City of San Jose to Application to Intervene (referenced at 3:23), requested by the City to be judicially noticed.</p> <p>San Jose Mercury News articles published February 16, 2015; July 16, 2015; July 18, 2015, July 25, 2015; August 7, 2015; August 14, 2015; August 17, 2015; September 20, 2015.</p>	<p>Not judicially noticeable under Evidence Code §§ 450-453.</p> <p>Lack of Foundation and Personal Knowledge and Calls for Speculation (Evidence Code §§ 400, 403 and 702)</p> <p>No foundation or stated basis for personal knowledge is provided for the documents.</p> <p>Hearsay (Evidence Code § 1200).</p> <p>Best Evidence Rule (Evidence Code § 1500, et seq.).</p>	<p><input type="checkbox"/> Overruled:</p> <p><input type="checkbox"/> Sustained</p> <p>Grounds:</p>

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